

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

MARTÍN JONATHAN BATALLA
VIDAL, *et al.*,

Plaintiffs,

v.

No. 16-cv-4756 (NGG) (JO)

CHAD F. WOLF, *et al.*,

Defendants.

STATE OF NEW YORK, *et al.*,

Plaintiffs,

v.

No. 17-cv-5228 (NGG) (JO)

DONALD TRUMP, *et al.*,

Defendants.

JOINT STATUS REPORT

Pursuant to the Court’s August 24, 2020 scheduling order in the above-captioned matters, *State of New York* ECF No. 270, the parties, having conferred, jointly submit the following status report “addressing the status of the production of the Administrative Record.” *Id.* at 2. As ordered by the Court, *see id.*, Defendants filed the administrative record (including a privilege log) on the morning of September 4, 2020. *State of New York* ECF No. 282. On September 15, 2020, the parties conferred via telephone, and Plaintiffs asked several questions regarding the record and the privilege log. As part of this conferral, Defendants confirmed that the administrative record and privilege log were compiled by applying the standards set forth in this Court’s October 19, 2017 Order, *State of New York* ECF No. 66—that is, all documents directly or indirectly considered by

Acting Secretary Wolf, including all documents considered by Acting Secretary Wolf’s “first-tier subordinates—i.e., anyone who advised [him] on the decision,” *id.* at 10-11. Regarding the privilege log, Plaintiffs expressed concern that the log lacked sufficient detail to assess whether the privileges asserted apply and requested that Defendants prepare a revised privilege log no later than September 25, 2020. Although Defendants believe that the existing privilege log satisfies all applicable legal requirements, in the interest of avoiding unnecessary ancillary litigation, Defendants have agreed to file a revised privilege log no later than September 25, 2020 by 12:00 p.m. Defendants will endeavor to address Plaintiffs’ concerns in that revised privilege log.

Dated: September 17, 2020

Respectfully submitted,

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